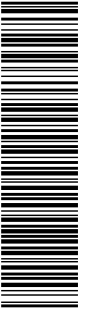


An act to amend Sections 13200, 13201, 13202, and 13220 of, and to add Section 13200.5 to, the Water Code, relating to water quality.

DRAFT



120761204340BILL

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 13200 of the Water Code is amended to read:

13200. (a) The state is divided, for the purpose of this division, into ~~nine~~ eight regions:

~~(a)~~

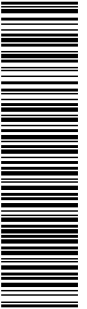
(1) North Coast region, which comprises all basins including Lower Klamath Lake and Lost River Basins draining into the Pacific Ocean from the California-Oregon state line southerly to the southerly boundary of the watershed of Estero de San Antonio and Stemple Creek in Marin and Sonoma Counties.

~~(b)~~

(2) San Francisco Bay region, which comprises San Francisco Bay, Suisun Bay, from Sacramento River and San Joaquin River westerly from a line which passes between Collinsville and Montezuma Island and follows thence the boundary common to Sacramento and Solano Counties and that common to Sacramento and Contra Costa Counties to the westerly boundary of the watershed of Markley Canyon in Contra Costa County, all basins draining into the bays and rivers westerly from this line, and all basins draining into the Pacific Ocean between the southerly boundary of the north coastal region and the southerly boundary of the watershed of Pescadero Creek in San Mateo and Santa Cruz Counties.

~~(c)~~

(3) Central Coast region, which comprises all basins, including Carrizo Plain in San Luis Obispo and Kern Counties, draining into the Pacific Ocean from the southerly boundary of the watershed of Pescadero Creek in San Mateo and Santa Cruz Counties



to the southeasterly boundary, located in the westerly part of Ventura County, of the watershed of Rincon Creek.

(d)

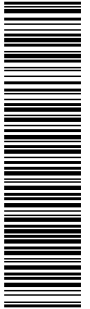
(4) Los Angeles region, which comprises all basins draining into the Pacific Ocean between the southeasterly boundary, located in the westerly part of Ventura County, of the watershed of Rincon Creek and a line which coincides with the southeasterly boundary of Los Angeles County from the ocean to San Antonio Peak and follows thence the divide between San Gabriel River and Lytle Creek drainages to the divide between Sheep Creek and San Gabriel River drainages.

(e)

(5) Santa Ana region, which comprises all basins draining into the Pacific Ocean between the southeasterly boundary of the Los Angeles region and a line which follows the drainage divide between Muddy and Moro Canyons from the ocean to the summit of San Joaquin Hills; thence along the divide between lands draining into Newport Bay and into Laguna Canyon to Niguel Road; thence along Niguel Road and Los Aliso Avenue to the divide between Newport Bay and Aliso Creek drainages; thence along that divide and the southeasterly boundary of the Santa Ana River drainage to the divide between Baldwin Lake and Mojave Desert drainages; thence along that divide to the divide between Pacific Ocean and Mojave Desert drainages.

(f)

(6) San Diego and Colorado River Basin region, which comprises all basins draining into the Pacific Ocean between the southern boundary of the Santa Ana region



120761204340BILL

and the California-Mexico boundary and all basins draining into the Salton Sea and Colorado River.

(g)

(7) Central Valley region, which comprises all basins including Goose Lake Basin draining into the Sacramento and San Joaquin Rivers to the easterly boundary of the San Francisco Bay region near Collinsville. The Central Valley region shall have section offices in the Sacramento Valley and the San Joaquin Valley.

(h)

(8) Lahontan region, which comprises all basins east of the Santa Ana, Los Angeles and Central Valley regions from the California-Oregon boundary to the southerly northerly boundary ~~located in Los Angeles and San Bernardino Counties of the watersheds draining into Antelope Valley, Mojave River Basin and Dry Lake Basin near Ivanpah~~ of the San Diego and Colorado River Basin region.

(i) ~~Colorado River Basin region, which comprises all basins east of the Santa Ana and San Diego regions draining into the Colorado River, Salton Sea and local sinks from the southerly boundary of the Lahontan region to the California-Mexico boundary.~~

The

(b) The regions defined and described in this section shall be as precisely delineated on official maps of the ~~department~~ state board and include all of the areas within the boundaries of the state.

For



(c) For purposes of this section the boundaries of the state extend three nautical miles into the Pacific Ocean from the line of mean lower low water marking the seaward limits of inland waters and three nautical miles from the line of mean lower low water on the mainland and each offshore island.

~~Nothing~~

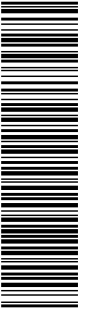
(d) Nothing in this section shall limit the power conferred by this chapter to regulate the disposal of waste into ocean waters beyond the boundaries of the state.

SEC. 2. Section 13200.5 is added to the Water Code, to read:

13200.5. (a) (1) (A) The regional board for the San Diego and Colorado River Basin region succeeds to and is vested with all of the authority, duties, powers, purposes, responsibilities, and jurisdiction of the former regional board for the Colorado River Basin region for those portions of the former Colorado River Basin region, as it existed on December 31, 2012, within the boundaries of the San Diego and Colorado River Basin region on or after January 1, 2013, as depicted on maps delineated by the state board, pursuant to Section 13200.

(B) The regional board for the San Diego and Colorado River Basin region succeeds to and is vested with all of the authority, duties, powers, purposes, responsibilities, and jurisdiction of the former regional board for the San Diego region.

(2) The regional board for the Lahontan region succeeds to and is vested with all of the authority, duties, powers, purposes, responsibilities, and jurisdiction of the former regional board for the Colorado River Basin region for those portions of the former Colorado River Basin region, as it existed on December 31, 2012, within the



boundaries of the Lahontan region on or after January 1, 2013, as depicted on maps delineated by the state board, pursuant to Section 13200.

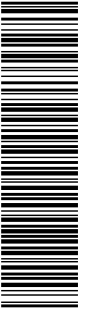
(b) Any water quality control plan, order, or action adopted or taken before January 1, 2013, by the regional board for the Colorado River Basin region or the San Diego region relating to carrying out the duties and responsibilities transferred pursuant to subdivision (a), that is in effect on December 31, 2012, shall remain in effect on and after January 1, 2013, and is enforceable until the plan, order, or action is readopted, amended, repealed, or expires on its own terms.

(c) (1) The regional board for the San Diego and Colorado River Basin region shall have possession and control of all records, papers, offices, equipment, supplies, moneys, funds, appropriations, land, and other real or personal property, held for the benefit or use of all bodies, offices, and officers whose duties, powers, and functions have been transferred pursuant to subdivision (a).

(2) The regional board for the San Diego and Colorado River Basin region shall transfer to the regional board for the Lahontan region any papers and records pertaining to discharges within the boundaries of the Colorado River Basin region as it existed on December 31, 2012, and on or after January 1, 2013, located within the boundaries of the regional board of the Lahontan region.

SEC. 3. Section 13201 of the Water Code is amended to read:

13201. (a) There is a regional board for each of the regions described in Section 13200. Each board shall consist of the following ~~nine~~ seven members appointed by the Governor, each of whom shall represent, and act on behalf of, all the people and shall reside or have a principal place of business within the ~~region~~ region.



~~(1) One person associated with water supply, conservation, and production~~

(1) Six members appointed on the basis of the person's demonstrated interest and proven ability in the field of water quality, including, but not limited to, water pollution prevention, water pollution control, and understanding of the water pollution and related water resource management problems in the region or in the beneficial use of water by the region's nonpublic economic sectors.

~~(2) One person associated with irrigated agriculture member appointed as a public member who shall not require the demonstrated interests or proven abilities of paragraph (1).~~

~~(3) One person associated with industrial water use.~~

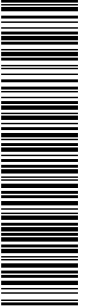
~~(4) One person associated with municipal government. Upon the next vacancy occurring in this office on or after January 1, 2004, this person shall be a city council member or mayor.~~

~~(5) One person associated with county government. Upon the next vacancy occurring in this office on or after January 1, 2004, this person shall be a county supervisor.~~

~~(6) One person from a responsible nongovernmental organization associated with recreation, fish, or wildlife.~~

~~(7) Three persons not specifically associated with any of the foregoing categories, two of whom shall have special competence in areas related to water quality problems.~~

(b) All persons appointed to a regional board shall be subject to Senate confirmation, but shall not be required to appear before any committee of the Senate



for purposes of such confirmation unless specifically requested to appear by the Senate Committee on Rules.

(c) Insofar as practicable, appointments shall be made in such manner as to result in representation on the board from all parts of the region.

~~(d) Notwithstanding subdivision (a), if appointments cannot be made pursuant to paragraph (5) of subdivision (a) because of the requirements of Section 13388, those appointments may be made of persons not specifically associated with any category.~~

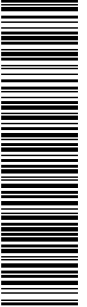
(d) Insofar as practicable, appointments shall be made in a manner as to result in representation on the board from diverse experiential backgrounds.

(e) Each member shall be appointed on the basis of his or her ability to attend substantially all meetings of the board and to actively discharge all duties and responsibilities of a member of the board.

(f) The reduction in the number of members of each regional board required by the act that added this subdivision shall be achieved according to the ordinary expiration of the terms of incumbents and other vacancies. The Governor shall not fill a vacancy on any regional board until the number of members serving on that regional board falls below seven members. When the numbers of members serving on the regional board falls below seven members, the Governor shall appoint or reappoint individuals pursuant to this section.

SEC. 4. Section 13202 of the Water Code is amended to read:

13202. (a) Each member of a regional board shall be appointed for a term of four years. Vacancies Except as provided in subdivision (c), vacancies shall be



immediately filled by the Governor for the unexpired portion of the terms in which they occur.

(b) The Governor shall designate the chairperson of a regional board from the membership of the regional board. The chairperson shall serve at the pleasure of the Governor.

(c) The offices of the members of the regional boards for the Colorado River Basin Region and the San Diego Region, as those regions existed on December 31, 2012, shall be terminated as of January 1, 2013. The Governor shall initially appoint seven members to the San Diego and Colorado River Basin regional board from the former membership of the Colorado River Basin and the San Diego regional boards.

(d) The term of office for members of each regional board shall be staggered and shall expire in accordance with the following schedule:

(1) Two members on September 30, 2013, and every four years thereafter.

(2) Two members on September 30, 2014, and every four years thereafter.

(3) Two members on September 30, 2015, and every four years thereafter.

(4) One member on September 30, 2016, and every four years thereafter.

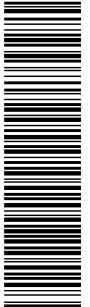
SEC. 5. Section 13220 of the Water Code is amended to read:

13220. Each regional board shall do all of the following:

(a) Establish an office.

(b) Select one of its members as vice chairperson at the first regular meeting held each year.

(c) Appoint as its confidential employee, who may be exempt from civil service under Section 4 of Article VII of the California Constitution, and fix the salary of, an



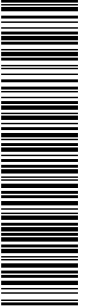
executive officer who shall meet technical qualifications as defined by the state board.

The executive officer shall serve at the pleasure of the regional board.

(d) Employ any other assistants that may be determined necessary to assist the executive officer.

- 0 -

DRAFT



120761204340BILL

LEGISLATIVE COUNSEL'S DIGEST

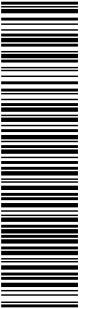
Bill No.

as introduced, _____.

General Subject: Regional Water Quality Control Boards.

Under existing law, the State Water Resources Control Board and the 9 California regional water quality control boards prescribe waste discharge requirements in accordance with the federal national pollutant discharge elimination system (NPDES) permit program established by the federal Clean Water Act and the Porter-Cologne Water Quality Control Act (state act).

This bill would eliminate the Colorado River Basin region. This bill would recast the San Diego region as the San Diego and Colorado River Basin region. This bill would provide that the regional board for the San Diego and Colorado River Basin region succeeds to and is vested with all of the authority, duties, powers, purposes, responsibilities, and jurisdiction of the former regional board for the San Diego region. This bill would divide the former territory of the Colorado River Basin region between the Lahontan region and the San Diego and Colorado River Basin region, as prescribed.

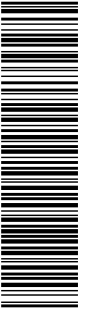


120761204340BILL

This bill would provide for the Lahontan region and the San Diego and Colorado River Basin region to succeed to and be vested with all of the authority, duties, powers, purposes, responsibilities, and jurisdiction of the regional board for the Colorado River Basin region, as prescribed. This bill would provide that any water quality control plan, order, or action adopted or taken by the Colorado River Basin region or the San Diego region relating to carrying out the transferred duties and responsibilities remains in effect, as specified. This bill would also provide that the regional board for the San Diego and Colorado River Basin Region will have possession and control of all records, papers, offices, equipment, supplies, moneys, funds, appropriations, land, and other real or personal property held for the benefit or use of all bodies, offices, and officers whose duties, powers, and functions have been transferred. This bill would require the regional board for the San Diego and Colorado River Basin region to transfer to the regional board for the Lahontan region those papers and records pertaining to discharges within the boundaries of the former Colorado River Basin region within the Lahontan region, as specified.

The state act requires regional boards to consist of 9 members appointed by the Governor, 6 of whom are required to be associated with one of 6 categories enumerated in the state act and 3 of whom are not specifically associated with any of those enumerated categories.

This bill would revise the state act to establish regional boards of 7 members each, 6 of whom are required to have specified demonstrated interest and proven ability, to be appointed by the Governor, as prescribed. This bill would also require the terms



of office for members of each regional board to be staggered and expire in accordance with a prescribed schedule.

Existing law requires each regional water quality control board to select one of its members as chairperson.

This bill would, instead, require that the Governor appoint the chairperson of each regional water quality control board and would require the regional boards to elect a vice chairperson.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

DRAFT

